

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1126 be amended to read as follows:

- 1        Replace the effective dates in SECTIONS 1 through 6 with
- 2        "[EFFECTIVE UPON PASSAGE]".
- 3        Page 4, line 17, delete "The ordinance" and insert "**An ordinance**
- 4        **adopted after March 31, 2012,**".
- 5        Page 6, between lines 11 and 12, begin a new paragraph and insert:
- 6        "**(c) This subsection applies if a municipal legislative body**
- 7        **adopts an ordinance under section 8.1 of this chapter that is in**
- 8        **effect on March 31, 2012, and that imposes rates and charges on**
- 9        **users of the works for service to property located outside the**
- 10       **corporate boundaries of the municipality that exceed by more than**
- 11       **fifteen percent (15%), but not more than fifty percent (50%), the**
- 12       **rates and charges imposed on users for service to property located**
- 13       **within the corporate boundaries of the municipality. Not later than**
- 14       **September 30, 2012, the municipality may petition the commission**
- 15       **to approve the percentage difference between rates and charges**
- 16       **established in the ordinance for property within and property**
- 17       **outside the corporate boundaries. In the petition, the municipality**
- 18       **shall set forth the following:**
- 19              (1) **The date on which the ordinance took effect.**
- 20              (2) **The percentage difference between rates and charges**
- 21              **imposed on users of the works for service to property located**
- 22              **outside the corporate boundaries of the municipality and to**
- 23              **property located within the corporate boundaries of the**
- 24              **municipality.**
- 25              (3) **Whether the works that is the subject of the ordinance is**
- 26              **a water utility works, a wastewater utility works, or both a**
- 27              **water and wastewater utility works.**
- 28              (d) **If the commission determines that a petition filed under**
- 29              **subsection (c) satisfies the requirements of subsection (c), the**
- 30              **commission shall approve the petition, including the percentage**

1 difference between rates and charges described in subsection (c)(2).  
 2 If the municipality that filed the petition adopts an ordinance  
 3 under section 8.1 of this chapter after March 31, 2012, that imposes  
 4 rates and charges on users of the works for service to property  
 5 located outside the corporate boundaries of the municipality that  
 6 exceed the rates and charges imposed on users for service to  
 7 property located within the corporate boundaries of the  
 8 municipality by more than the sum of the percentage difference  
 9 approved by the commission under this subsection plus fifteen  
 10 percent (15%), either or both of the following may petition the  
 11 commission to review and adjust, if necessary, the rates and  
 12 charges imposed on users for service to property located outside  
 13 the corporate boundaries of the municipality:

14 (1) The municipality.

15 (2) The lesser of:

16 (A) ten percent (10%) of all; or

17 (B) twenty-five (25);

18 users whose property is located outside the corporate  
 19 boundaries of the municipality.

20 A petition filed under this subsection must be filed not more than  
 21 fourteen (14) days after the date on which the ordinance referred  
 22 to in this subsection is adopted. A petition may not be filed under  
 23 this subsection if a petition has already been filed under section 8.2  
 24 of this chapter appealing the same rates and charges.

25 (e) If the commission determines that a petition filed under  
 26 subsection (c) does not satisfy the requirements of subsection (c),  
 27 the commission shall disapprove the petition."

28 Page 6, line 12, delete "(c) If the municipal legislative body" and  
 29 insert "(f) If the legislative body of a municipality, other than a  
 30 municipality subject to subsection (d),".

31 Page 6, line 13, after "chapter" insert "after March 31, 2012,".

32 Page 6, line 30, after "this" delete "section" and insert "subsection".

33 Page 6, line 32, delete "(d)" and insert "(g)".

34 Page 6, line 33, delete "(c)" and insert "(d) or (f)".

35 Page 6, line 37, delete "considered approved" and insert  
 36 "dismissed".

37 Page 6, line 37, delete "(e);" and insert "(h);".

38 Page 6, line 41, delete "(e)" and insert "(h)".

39 Page 6, line 42, delete "(c)." and insert "(d) or (f).".

40 Page 7, line 3, delete "(c)." and insert "(d) or (f).".

41 Page 7, line 11, delete "(f)" and insert "(i)".

42 Page 7, between lines 22 and 23, begin a new line blocked left and  
 43 insert:

44 "However, with respect to rates and charges that are the subject of  
 45 a petition filed under subsection (d), the commission may not  
 46 establish rates and charges such that the percentage difference

- 1     **between rates and charges established by the commission is less**  
2     **than the percentage difference established in subsection (c) and**  
3     **approved by the commission under subsection (d).".**  
4         Page 7, line 23, delete "(g)" and insert "**(j)**".  
5         Page 7, line 29, delete "(h)" and insert "**(k)**".  
6         Page 7, line 31, delete "(i)" and insert "**(l)**".  
7         Page 8, line 14, delete "The ordinance" and insert "**An ordinance**  
8     **adopted after March 31, 2012,."**  
9         Page 9, after line 32, begin a new paragraph and insert:  
10        **"SECTION 7. An emergency is declared for this act."**  
          (Reference is to EHB 1126 as printed February 24, 2012.)

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Senator MERRITT